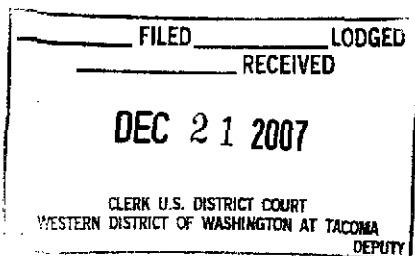


Magistrate Judge J. Kelley Arnold



07-CR-05815-M

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE/TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MICHAEL OBERT,

Defendant.

NO. **CR 07-5815 BHS**

MOTION FOR DETENTION  
ORDER

The United States moves for pretrial detention of the defendant, pursuant to  
18 U.S.C. § 3142(e) and (f)

1. Eligibility of Case. This case is eligible for a detention order because this  
case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence  
of ten years or more
- ☐ Crime with a maximum sentence of life imprisonment or death
- ☐ Drug offense with a maximum sentence of ten years or more
- ☒ Felony offense and defendant has two prior convictions in the four  
categories above, or two State convictions that would otherwise fall within  
these four categories if federal jurisdiction had existed.
- ☒ Felony offense involving a minor victim other than a crime of violence

— Felony offense, other than a crime of violence, involving possession or use of a firearm, destructive device (as those terms are defined in 18 U.S.C. § 921), or any other dangerous weapon

— Felony offense other than a crime of violence that involves a failure to register as a Sex Offender (18 U.S.C. § 2250)

— Serious risk the defendant will flee

— Serious risk of obstruction of justice, including intimidation of a prospective witness or juror

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

— Defendant's appearance as required

X Safety of any other person and the community

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant under § 3142(e). The presumption applies because:

— Probable cause to believe defendant committed offense within five years of release following conviction for a "qualifying offense" committed while on pretrial release.

— Probable cause to believe defendant committed drug offense with a maximum sentence of ten years or more

— Probable cause to believe defendant committed a violation of one of the following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

X Probable cause to believe defendant committed an offense involving a victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

//

//

//

//

//

1 4. Time for Detention Hearing. The United States requests the Court conduct  
2 the detention hearing:

3 X At the initial appearance

4 \_\_\_\_ After continuance of \_\_\_\_ days (not more than 3)

5 5. Other matters.

6 DATED this 21<sup>st</sup> day of Dec, 2007.

7 Respectfully submitted,  
8 JEFFREY C. SULLIVAN  
9 United States Attorney

10   
11 JILL OTAKE  
12 Assistant United States Attorney